

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 1, 2000

DIVISION ONE

B136453 People (Not for Publication)
v.
Hoof

We reverse appellant's conviction for simple assault (Pen. Code, § 240) and direct the trial court to dismiss the simple assault charge . We further direct the trial court to prepare a corrected abstract of judgment, reflecting the dismissal and that three one-year prior prison term enhancements were found true and imposed by the trial court. (Pen. Code § 667.5, subd. (b).) In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B133925 Alvarez III (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

November 1, 2000-Continued

DIVISION ONE (Continued)

B133568 Neil (Not for Publication)

V.

Jeffer, Mangels, Butler & Marmaro et al.

The judgment is reversed. Plaintiff and appellant Vince Neil is to recover costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B113599 Dennis W. Mills (Not for Publication)

V.

Great Western Bank

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B139703 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Toni J.

The order appealed from is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

November 1, 2000-Continued

DIVISION TWO (Continued)

B136844 People (Not for Publication)
v.
Estrella

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

B137949 Samsanovich et al. (Not for Publication)
v.
Wawanesa Insurance Company

The order under review is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

B138692 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B143391 Raquel Welch, etc. et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(International Creative Management, Inc., r.p.i.)

The Court:

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue, directing the respondent superior court to: (1) vacate its order of July 6, 2000, and (2) enter an order granting plaintiffs' motion to amend the pleadings. No costs are awarded in this proceeding.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

DIVISION THREE (Continued)

B132004 Michael T. Ball (Not for Publication)
 v.
 Los Angeles County Metropolitan Transportation Authority et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B129193 Mike Schweid et al. (Not for Publication)
 v.
 Big City Bagels, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B140715 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Mikona T.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B134641 Wayne Hagendorf (Not for Publication)
 v.
 Gary Conway et al.

The judgment is reversed and remanded to the trial court for a new trial.
The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B137639 Howard Jarvis Taxpayers Association et al. (Not for Publication)
 v.
 City of Los Angeles et al.

Since appellants cannot show that the rates charged are unreasonable, or that the rates constitute a property-related fee or tax, or that the City made any unauthorized transfers of fund, we conclude they have failed to state a cause of action for declaratory relief, taxpayers' injunctive relief, or mandamus and that the demurrer of respondents was properly sustained. (*Mez Industries, Inc. v. Pacific Nat. Ins. Co.* (1999) 76 Cal.App.4th 856, 864.) The judgment (order of dismissal) is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B136188 David Wick (Not for Publication)
v.
Mitchell, Silberberg, & Knupp et al.

The order (as amended herein) is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B137840 People (Not for Publication)
v.
Marco Anthony V.

The order of wardship is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B133030 People (Not for Publication)
v.
Frederick Lee Morgan

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B138376 People v. Roscoe Hillard
B134511 People v. Solomon, Johnson & Moore
B140436 People v. Harry R. Palmer

Argument waived, cause submitted.

B134922 Dennis Massa
 v.
 Golden Eagle Maintenance Service

Merits:

Argued by Gerald Phillip Peters for appellant and by Marc J. Wodin and Russell R. Arens for respondent. Cause submitted.

B135702 Melvin Richkind
 v.
 City of Los Angeles

Merits:

Argued by Richard J. Wynn for appellant and by Janet G. Bogigian for respondent. Cause submitted.

B137678 Azucena Sanchez-Scott
 v.
 Alza Pharmaceuticals et al.

Merits:

Argued by Steven W. Murray for appellant and by Mollie Benedict for respondents. Cause submitted.

Court in recess.

DIVISION FIVE (Continued)

Court reconvened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B136720 People v. Erik Rodriguez
B135997 In re Estate of Martha Glenn Williams

Argument waived, cause submitted.

B136194 Goldstein's Bagel Bakery, Inc.
v.
Omni Angeles Hotel & Centre

Merits:
Argued by Christopher Deal for respondent. No appearance for
appellant. Cause submitted.

B141784 Phoenix Healthcare Consulting et al.
v.
Jehan Zeb Mir

Merits:
Argued by Jehan Jeb Mir, appellant in propria persona, and by John A.
Blue for respondents. Cause submitted.

Court in recess.

DIVISION FIVE (Continued)

Court reconvened at 11:00 A.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B137835 People v. Darrell Allen P.
B140140 People v. David Turnbaugh
B142095 People v. Juan F.
B140370 People v. Patricia Rivers

Argument waived, cause submitted.

B132304 Cherrie Ann Davis
v.
Lawrence Ernest Davis

Merits:

Argued by Larry Epstein for appellant and by Tammy Nakada, deputy district attorney, for respondent. Cause submitted.

B143087 Susan J. and Paul F.
v.
S.C.L.A.
Los Angeles County, D.C.F.S.

Merits:

Argued by Merrill L. Toole for petitioners Anthony G. and Marissa A. and by Judy German, deputy county counsel, for real party in interest. Cause submitted.

Court in recess.

DIVISION FIVE (Continued)

Court reconvened at 1:00 P.M.

Present: Grignon, J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

B133907 Deanna Weber Deering
 v.
 Byran Scott Deering

Appearances:

Ernest A. Martz for respondent. No appearance for appellant. Argument waived, cause submitted.

B130203 Widad Azer
 v.
 Washington Hospital, Inc.

Merits:

Argued by Gregory Bowen Byberg for appellant and by Jolina Abrena for respondent. Cause submitted.

B130143 Charles Young
 v.
 Kmart Corporation et al.

Merits:

Argued by Frederick D. Baker for appellants and by Steven L. Rice for respondent. Cause submitted.

B137591 Waltraud Krause
 v.
 Otto Nemenz International Inc., et al.

Merits:

Argued by Waltraud Krause, appellant in propria persona, and by Mary E. Wright for respondents. Cause submitted.

November 1, 2000-Continued

DIVISION FIVE (Continued)

B140076 Daniel R. Solin
v.
O'Melveny & Myers

Merits:

Argued by Max Blecher for appellant and by Harry A. Mittleman and Larry A. Rappaport for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B129272 People (Not for Publication)
v.
Gutierrez

On the appeal, the judgment is reversed and remanded to the trial court for reconsideration of the restitution fine in accordance with the views expressed herein. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.